

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON DECEMBER 10, 2008 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
 Walt Haynes, Vice Chair
 William Seitz, Secretary
 Bryan Rice, Member
 Steve Cochran, Member
 Frank Lau, Member
 Steve Howard, Member
 David Moore, Member
 Malvin Wells, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Zoning Technician
 Jamie MacLean, Development Planner
 Kevin Byrd, Comprehensive Planner

Absent: None

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Howard, seconded by Mr. Wells and unanimously carried the agenda was approved as presented.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Howard, seconded by Mr. Wells and unanimously carried the consent agenda was approved.

PUBLIC HEARING:

SU-2008-06314- request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an accessory structure greater than 1,200 square feet in area and 18 feet in height. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Mr. Miller introduced the request.

Ms. MacLean stated the applicant was requesting a special use permit to allow the construction of an accessory structure approximately 2800 square feet and 20 ft. in height. She reviewed the maps and location of the proposed construction.

Ms. Jenkins reviewed the video. The accessory structure will resemble a barn to blend well with the surrounding properties. The request complies with the comprehensive plan. Several interested parties have contacted the office to discuss the request. The main concern is the possible use of the accessory building as a contractor's storage facility. A dwelling is being built on the property and it is suggested that the accessory structure not be constructed until after the dwelling is completed.

Mr. Rice stated condition number six (6) refers to overall height therefore; it should be corrected to 34 feet.

Mr. Seitz asked what the penalty would be if the owner does not comply with conditions placed on the special use permit.

Ms. Jenkins stated that the special use permit could ultimately be revoked if there was noncompliance.

Mr. Miller opened the public hearing; however, there being no speakers the public hearing was closed.

Mr. Moore stated the proposed conditions satisfy the concerns.

On a motion by Mr. Moore, seconded by Mr. Howard and unanimously carried the Planning Commission recommended approval of the request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an accessory structure greater than 1,200 square feet in area and 18 feet in height with the following conditions:

1. The residence shall be built prior to, or concurrently with, the construction of the accessory structure.
2. The accessory structure shall be built in substantial conformance with the plans provided, dated November 22, 2008, with the same type and color of siding as shown on the photograph provided at the Plan Review Meeting on November 20, 2008.
3. The accessory structure shall be connected to a septic system in conformance with Virginia Department of Health regulations and standards.
4. No exterior storage of equipment and/or materials shall be permitted.
5. The owner shall plant a double offset row of Leyland Cypress trees along the north, east, and south sides of the structure, as well as landscaping along the west side of the structure. The rows shall be 15' feet apart, per sketch provided dated December 2, 2008, and attached.
6. The proposed accessory structure shall not exceed 2,800 sq. feet in total area and the overall height of the structure shall not exceed 34 feet as measured from the ground elevation to the top of the cupola.
7. No commercial work shall be permitted in the building.
8. The structure shall not be used as a principle or accessory dwelling.
9. Garage doors shall be Amarr Garage Door, model S1-Santiago-Closed Arch, or similar (photo attached). This style of garage door will help the building conform to the agricultural setting and characteristics of the area. Garage doors shall be approved by the Zoning Administrator.

SU-2008-06313- request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business. The

property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Ms. Jenkins stated the applicant was requesting a home business which would permit up to two (2) nonresident employees. The space will be used to take care of office needs and hold staff meetings. The home business should not interfere with surrounding uses. It is an accessory use to the dwelling and is in compliance with the comprehensive plan. Staff has suggested conditions to limit the activity and stipulate that a contractor's storage yard will not be allowed on the property. A sign permit will be required if a sign is placed on the property. She reviewed photos of the property.

Mr. Miller opened the public hearing; however, there being no speakers the public hearing was closed.

On a motion by Mr. Moore, seconded by Mr. Lau and unanimously carried the Planning Commission recommended approval of the request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business with the following conditions:

1. The office space within the home shall not exceed 25% of the gross floor area of the dwelling unit, and be in substantial compliance with sheet three (3) of four (4) with the plans drawn by Doug Collins, received November 22, 2008.
2. No more than two (2) outside employees shall be permitted to work in the home.
3. A contractor's storage yard shall not be established as a result of the home business. No outside storage of materials or equipment related to the home business shall be permitted.
4. Sign permit must be obtained from the Zoning Administrator for a non-illuminated sign not exceeding four (4) sq. feet per Sec. 10-41 (4)(d).

SU-2008-06316- request by Roland S. Wright, Jr. & Mary H. Wright for a Special Use Permit (SUP) on approximately 0.511 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide). The property is located at 3850 Poppy Lane, and is identified as Tax Parcel No(s). 127-8-7B (Acct No. 140688, in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Mr. Miller introduced the request.

Mr. Byrd stated the request was to allow a doublewide manufactured home in a Residential (R3) zoning district. He reviewed maps, photos and video of the property. He presented photos of the surrounding dwellings. The request appears in compliance with the comprehensive plan. The lot will be served by a well and private septic.

Mr. Miller opened the public hearing.

Mrs. Wright, owner stated the proposed structure complies with the rural area. There are a variety of structures. The proposed doublewide will be approximately 1470 square feet. She reviewed the estimated property values in the area. The structure will fit nicely with the surrounding properties.

Mr. Fountain, 3832 Poppy Lane, stated that a doublewide would be detrimental to adjoining lots. The other adjoining lot has a modular dwelling not a doublewide manufactured home.

Mr. Richard Myers, 3991 Childress Road, stated there is a modular home on adjoining property and is a rental home as of this year. The existing dusk to dawn light on that property causes a glare. This type of development would be considered heavy density. There are not public water or sewer facilities in the

area. This type of dwelling and development will decrease the value of land in the area. Section 10-26(7) of the county code requires public water or sewer.

There being no further speakers the hearing was closed.

Mr. Rice stated that if the roof pitch were a 5/12 pitch the doublewide might fit in better and look more like a stick built home.

Mr. Byrd stated that a representative from Clayton Homes has indicated a 4/12 pitch may be possible but there is no confirmation that a 5/12 pitch is available. The building permit reflects that the home on the adjoining lot is a manufactured home and not a modular.

Mr. Moore stated the request was not to rezone property and the lot was in existence prior to the ordinance. With the right restrictions the home could fit with the surrounding neighborhood.

On a motion by Mr. Moore, seconded by Mr. Lau and unanimously carried the Planning Commission recommended approval of the request by Roland S. Wright, Jr. & Mary H. Wright for a Special Use Permit (SUP) on approximately 0.511 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide) with the following conditions:

1. No Class B (singlewide) structures shall be permitted.
2. Installation of a covered front porch finished to match the structure with vinyl railings is required. The covered front porch shall be at least 6'x6' and installed prior to the final inspection performed by Montgomery County Building Inspections.
3. Split-face block or other masonry product shall be used for foundation on all sides of the structure. If block piers are used they shall not be visible. Skirting will not be permitted.
4. Guttering and downspouts shall be installed.
5. If a fireplace is installed, the chimney shall be boxed in to match the structure.
6. The roof of the structure shall meet a roof pitch ratio of 5:12.

Mr. Miller introduced the following ordinance amendments for discussion noting that each will be voted on separately.

An Ordinance Amending Chapter 10 entitled Zoning, Section 10-61, Definitions, Of The Code Of The County of Montgomery By Amending The Definitions For Home Business and Home Occupation by Allowing Such Activity in the Dwelling And In The Accessory Structures And By Adding Boarding House and Transition House As Defined words, terms or phrases in the Zoning Ordinance.

An ordinance amending Chapter 10 entitled Zoning, Section 10-28, General Business (GB), and Section 10-29, Community Business (CB) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted by right in the General Business and Community Business Districts.

An ordinance amending Chapter 10 entitled Zoning, Section 10-21, Agriculture District (A1), Section 10-24, Residential District (R-1), Section 10-25, Residential District (R-2), Section 10-26, Residential District (R-3) and Section 10-27, Multiple Family Residential District (RM-1) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted with a

special use permit in the Agriculture District (A-1), Residential District (R-1), Residential District (R-2), Residential District (R-3) and the Multiple Family Residential District (RM-1).

An Ordinance amending Chapter 10 entitled Zoning, Section 10-35 PUD-RES Planned Unit Development-Residential District of the Code of the County of Montgomery, Virginia, by reducing the minimum required acreage to qualify for inclusion in the PUD-RES Planned Unit Development-Residential District from 50 acres to 10 acres for lands designated in the urban expansion area and from 20 acres to 5 acres for lands designated in the village or village expansion area.

Mr. Byrd reviewed each proposed ordinance amendment.

Mr. Seitz asked if the transition house covers special needs individuals.

Mr. Byrd stated there was a distinct definition for special needs housing.

Mr. Miller opened the public hearing; however, there being no comments the public hearing was closed.

On a motion by Mr. Moore, seconded by Mr. Haynes and carried by a unanimous vote the planning commission recommended approval of an Ordinance Amending Chapter 10 entitled Zoning, Section 10-61, Definitions, Of The Code Of The County of Montgomery By Amending The Definitions For Home Business and Home Occupation by Allowing Such Activity in the Dwelling And In The Accessory Structures And By Adding Boarding House and Transition House As Defined words, terms or phrases in the Zoning Ordinance.

On a motion by Mr. Haynes, seconded by Mr. Howard and carried by a unanimous vote the planning commission recommended approval of an ordinance amending Chapter 10 entitled Zoning, Section 10-28, General Business (GB), and Section 10-29, Community Business (CB) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted by right in the General Business and Community Business Districts.

On a motion by Mr. Howard, seconded by Mr. Rice and carried by a unanimous vote the planning commission recommended approval of an ordinance amending Chapter 10 entitled Zoning, Section 10-21, Agriculture District (A1), Section 10-24, Residential District (R-1), Section 10-25, Residential District (R-2), Section 10-26, Residential District (R-3) and Section 10-27, Multiple Family Residential District (RM-1) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted with a special use permit in the Agriculture District (A-1), Residential District (R-1), Residential District (R-2), Residential District (R-3) and the Multiple Family Residential District (RM-1).

On a motion by Mr. Wells, seconded by Mr. Cochran and carried by a unanimous vote the planning commission recommended approval of An Ordinance amending Chapter 10 entitled Zoning, Section 10-35 PUD-RES Planned Unit Development-Residential District of the Code of the County of Montgomery, Virginia, by reducing the minimum required acreage to qualify for inclusion in the PUD-RES Planned Unit Development-Residential District from 50 acres to 10 acres for lands designated in the urban expansion area and from 20 acres to 5 acres for lands designated in the village or village expansion area.

OLD BUSINESS:

None Presented

NEW BUSINESS:

Mr. Rice stated several small businesses in the area would be considered contractors service establishment; however, that type of business is only allowed in the Manufacturing (M1) zoning district. Contractor Storage Yards are allowed in residential or agricultural areas by special use permit. He noted he would like to propose to revise the ordinance to allow a contractors establishment in the General Business (GB) zoning district.

Mr. Seitz stated the Planning Commission should consider restrictions regarding outside storage.

Mr. Sandy noted that there are some existing restrictions in the General Business (GB) zoning district currently. The proposed use probably would be appropriate in the General Business (GB) and Community Business (CB) zoning districts as a special use permit.

It was the consensus of the planning commission for staff to review and present a possible amendment to the zoning ordinance.

Nominating Committee Report

Mr. Haynes stated the nominated committee would like to nominate Mr. Miller as Chair, Mr. Haynes as Vice-Chair, and Mr. Seitz as Secretary.

On a motion by Mr. Rice, seconded by Mr. Howard and unanimously carried the Planning Commission accepted the Nominating Committee Report and appointed Mr. Miller as Chair, Mr. Haynes as Vice-Chair, and Mr. Seitz as Secretary.

WORK SESSION:

On a motion by Mr. Moore, seconded by Mr. Cochran and unanimously carried the Planning Commission entered into work session.

Oak Forest MHC, LLC

Mr. Sandy stated the Board of Supervisors had referred the Oak Forest MHC request back to the planning commission for further review of possible solutions. After discussion with John Neel it was concluded that a discussion should be held regarding possible ways to mitigate the impact prior to constructing a more formal proposal.

Mr. Neel reviewed the possibilities available for developing the site and possible conditions. A bus shelter meeting school requirements could be constructed. Other possible mitigating factors are the storm water management for the church, off street parking for the bus stop, trails from parking areas, new recreation area to serve all age groups, and the provision of affordable housing. This is existing land within an existing mobile home community.

Mr. Sandy noted that maintenance of the new facilities would need to be addressed and that mulch may not be appropriate for trails since people would not be able to access the facilities with wheelchairs or strollers.

Possibilities for controlling storm water runoff onto Hightop Road were discussed.

Mr. Seitz noted the proposed mitigation facilities should be constructed regardless of approval and do not address the issue with VDOT roads.

Mr. Sandy stated he had spoken with a representative from the adjoining church and they are impressed with the drainage plans; however, the proposed conditions do not address those changes or a timeline.

Mr. Neel stated that the owners were asking for a special use permit which would allow conditions that benefit the community, including the church.

On a motion by Mr. Cochran, seconded by Mr. Wells and unanimously carried the Planning Commission closed the work session.

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo stated the board had discussed real estate rates and the prices of housing sales. The number of listings and prices in Blacksburg went up, Christiansburg declined, and the number in Montgomery County substantially dropped.

Agriculture & Forestal District

No Report.

Blacksburg Planning Commission

No Report.

Christiansburg Planning Commission

No Report.

Economic Development Committee

No Report.

Public Service Authority

Mr. Wells stated the PSA Board adopted a policy regarding off site facilities in response to the Lancer Truck Stop line.

Parks & Recreation

Mr. Howard reported the parks and recreation committee discussed the Elliston Park and the budget.

Radford Planning Commission

No Report.

School Board- Bill Seitz

No Report.

Transportation Safety Committee- Malvin Wells

No Report.

Planning Director's Report

Mr. Sandy stated staff was working on the 2010 census in coordination with the towns. Staff is also working on the flood maps update, which is currently in the middle of a 90 day appeal period for the Plum Creek area.

There being no further business, the meeting was adjourned.